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SENATE

{ REPORT  
106-433

### USE OF SOLANO PROJECT FACILITIES FOR IMPOUNDING, STORAGE, AND CARRIAGE OF NONPROJECT WATER

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SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

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Mr. MURKOWSKI, from the Committee on Energy and Natural  
Resources, submitted the following

### REPORT

[To accompany H.R. 1235]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 1235) to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

#### PURPOSE OF THE MEASURE

H.R. 1235 authorizes the Secretary of the Interior to enter into contracts, pursuant to the Warren Act, with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using Solano Project facilities. The Secretary may also enter into contracts for the exchange of water among Solano Project contractors for the same purposes, using Solano Project facilities. The authorization is limited to facilities downstream of Mile 26 of the Putah South Canal.

#### BACKGROUND AND NEED

The city of Vallejo, California has requested congressional approval of its proposal to use excess capacity in a Bureau of Reclamation project canal, the Putah South Canal. The city wants to move part of its untreated municipal water supply to a new water treatment plant and needs legislation because of a limitation in

federal law that currently prohibits the city from sharing space in an existing Federal water delivery canal.

The Putah South Canal, which serves the Federal Solano Project, was constructed between 1956 and 1959. It is approximately 32 miles in length and has a capacity of 956 cubic feet per second. In addition to providing irrigation water, the canal conveys municipal and industrial water for Vacaville, Fairfield, Suisun, and Vallejo, as well as neighboring military installations. Enactment of this legislation will permit the city of Vallejo to negotiate and sign a Warren Act contract to wheel some of its water supply from the city's Lake Curry storage reservoir through a portion of the Putah South Canal. In doing so, the city will be able to keep its current water right permit active. Vallejo's proposal has been negotiated with the Solano Water Authority and other Solano Project water users, including the city of Fairfield. Vallejo is prepared to pay all appropriate charges for the use of the Canal.

#### LEGISLATIVE HISTORY

H.R. 1235 passed the House of Representatives by a voice vote on November 1, 1999. The Subcommittee on Water and Power held a hearing on H.R. 1235 on March 22, 2000. At its business meeting on September 20, 2000, the Committee on Energy and Natural Resources ordered H.R. 1235 favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 29, 2000, by a unanimous voice with a quorum present, recommends that the Senate pass H.R. 1235 as described herein.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

*H.R. 1235—A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Salano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes*

CBO estimates that implementing H.R. 1235 would not have a significant impact on the federal budget. According to the Bureau of Reclamation, the authority that would be granted by H.R. 1235 would be used for transporting water to the city of Vallejo from an existing storage facility. CBO estimates that this action would increase the cost of operating and maintaining the project by less than \$50,000 a year beginning in fiscal year 2001. These amounts would be subject to appropriation and would be reimbursed by the municipality in the year the costs are incurred. Payments from the city would be deposited in the Treasury as offsetting receipts (a credit against direct spending). CBO estimates that these receipts would be less than \$50,000 a year. Because the bill would affect direct spending, pay-as-you-go procedures would apply. H.R. 1235 contains no intergovernmental or private-sector mandates as de-

financed in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contacts are Megan Carroll (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1235. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 1235, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On August 8, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 1235. These reports had not been received at the time the report on H.R. 1235 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Commissioner of the Bureau of Reclamation at the Subcommittee hearing follows:

#### STATEMENT OF ELUID L. MARTINEZ, COMMISSIONER, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

H.R. 1235 authorizes the Secretary of the Interior to contract with the Solano County Water Agency or any of its member unit contractors to use the Bureau of Reclamation's Solano Project facilities for impounding, storing and carrying nonproject water. Section 1(b) includes a provision limiting where on the Solano Project the water may be used.

This legislation would enable the city of Vallejo, California to use the Solano Project to transport, store and carry nonproject water. The Department supports this legislation provided that the City will appropriately reimburse the Bureau for the full cost of using Reclamation facilities as required by the Warren Act. It also requests that report language be added to make clear that the bill does not intend to facilitate development of any permanent storage right in Federal facilities.

The Department believes that broadening the Warren Act to allow transport of non-project water for purposes other than irrigation may be generally desirable for all Reclamation projects, as it would provide additional flexibility to meet water supply needs.

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 1235, as ordered reported.

